

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Van v. LLR, Inc., et al.
No. 3:18-cv-00197-HRH

SUPPLEMENTAL DECLARATION OF BRIAN T. FITZPATRICK

I, Brian T. Fitzpatrick, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following statements are true and correct:

1. I am a Professor of Law at Vanderbilt University in Nashville, Tennessee, and I filed a declaration in this action on May 24, 2021. In response to my declaration, the plaintiff has questioned my qualifications to opine on whether certification of a class action in this case would enhance social welfare in light of the defendants' refund program. I am submitting this supplemental declaration to explain my qualifications to opine on this matter.

2. During my deposition by the counsel for the plaintiff in a related matter, I was asked whether I had a degree in "social work." [See Doc. 111-2 at 7.] But the field of social work is irrelevant to social welfare analysis. As I explained in my deposition, social welfare analysis is performed in the field of law and economics. Although it is true that I do not have a degree in law and economics, that is largely because very few universities offer such a degree. Rather, as I explained in my deposition, law and economics is now taught throughout the curriculum at pretty much every law school in America. [See *id.*] Not only, of course, do I have a law degree, but, as my CV reflects, I have studied, written on, and otherwise been a member of the community of law and economics for many years.

3. First, as my CV reflects, while I was in law school, I served as a research assistant to one of the preeminent law and economics scholars of our time, Professor Steven Shavell, as well as took his course on law and economics.

4. Second, one of the very few universities with a degree in law and economics is my university: Vanderbilt. We offer a Ph.D. in the subject. I have taught many of our law and economics Ph.D. students over the past 13 years. In addition, I recently served on the Ph.D. dissertation committee for one of our law and economics Ph.D. graduates. *See* https://etd.library.vanderbilt.edu/available/etd-03232017-124621/unrestricted/Jean_Xiao.pdf.

5. Third, as my CV reflects, I have been frequently invited to present my scholarship at law and economics conferences and seminars. For example, I have presented work at the Conference on Empirical Legal Studies at the University of Southern California in 2009, the Midwestern Law and Economics Association Annual Meeting at the University of Notre Dame in 2009, the Midwestern Law and Economics Association Annual Meeting at Marquette University in 2017, and the Law and Economics Seminar at Harvard Law School in 2018.

6. Fourth, as my CV reflects, I have been asked to referee numerous articles that have been submitted for publication at peer-reviewed law and economics journals. For example, I have refereed articles for the Journal of Empirical Legal Studies, the Journal of Law, Economics and Organization, and the Supreme Court Economic Review.

Nashville, TN

June 18, 2021

A handwritten signature in black ink, appearing to read "Brian T. Fitzpatrick", with a stylized, cursive script.

Brian T. Fitzpatrick